

SENATE CHAMBER, }
AUSTIN, TEXAS, Tuesday, March 14, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Bell, Braughton, Hall and Mills.

Prayer by the Chaplain.

On motion of Senator Pyle the reading of yesterday's journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, March 14, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 104, "for the relief of Geo. W. G. Browne, late Clerk of the Supreme Court of the State of Texas," and Senate bill No. 31, "to incorporate Douglassville College," find the same to be correctly engrossed.

G. T. RUBY, Chairman.
E. L. DOHONEY,
P. W. HALL.

COMMITTEE ROOM,
AUSTIN, March 14, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 58, an act to be entitled "An act to incorporate Alta Viesta Female Seminary in Austin county, Texas;" No. 68, "An act to authorize the transmission of criminal process by telegraph, and for other purposes;" No. 72, "An act to incorporate the Hebrew Benevolent Association of Jefferson, Texas;" No. 122, "An act to incorporate the Excelsior Bridge and Turnpike Company," and No. 136, "An act to incorporate the Pine

Island Bayou Bridge Company," find the same to be correctly engrossed.

G. T. RUBY, Chairman.
E. L. DOHONEY,
P. W. HALL.

Reports read and received, and the Secretary carried to the House for concurrence, Senate bills Nos. 58, 68, 72, 122 and 136.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, March 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 236, entitled "An act to incorporate the Tyler Cemetery Association," have carefully considered the same and instruct me to report the same back without amendment and recommend its passage.

S. W. FORD,
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM.
AUSTIN, March 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 3, have carefully considered the same and instruct me to report the accompanying substitute for Senate bill No. 3, and recommend its passage.

S. W. FORD,
Chairman.

Substitute to Senate bill No. 3: "An act to incorporate the Houston Gewerbe Verien."

Report and substitute read first time and laid over under the rules.

Report of Committee on Agricultural Affairs:

COMMITTEE ROOM,
AUSTIN, March 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Agricultural Affairs, to whom was referred House bill No. 139, entitled "An act to incorporate the Liberty County Texas Agricultural and Mechanical Association,"

have had the same under consideration, and I am instructed to report back the same and recommend that it do pass.

Respectfully,

HENRY RAWSON,
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, March 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Agricultural Affairs, to whom was referred House bill No. 107, to be entitled "An act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas," have had the same under consideration, and I am instructed to report back the same and recommend that it do pass.

Respectfully,

HENRY RAWSON,
Chairman.

Report read and laid over under the rules.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
AUSTIN, March 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses, to whom was referred the following accounts (as per accompanying vouchers,) have had the same under careful consideration, and finding them correct, respectfully recommend that they be paid, viz:

ACCOUNT OF R. M. SAUNDERS.

March 11—For services rendered as witness from Cherokee county, 24 days at \$2.....	\$48 00
Coming to and returning home from Austin, 20 days at \$2, voucher No. 1	40 00
	<hr/>
	\$88 00

Voucher approved and returned to Mr. Saunders.

ACCOUNT OF SOLOMON BANKS.

For thirteen (13) days service as special porter at \$4, voucher No. 2.....	52 00
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ACCOUNT OF JAMES G. BURNHAM.

Feb. 23—For compiling statement of census of the Eastern District of Texas, voucher No. 3, 3 days..	24 00
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ACCOUNT OF J. W. MANCOURT.

March 7—For rent of two committee rooms from February 21 to April 21, two months, voucher No. 4. 100 00

ACCOUNT OF W. N. BRYANT.

Feb. 10—For 35 key checks and inscriptions, voucher No. 5..... 26 25

ACCOUNT OF J. G. TRACY.

March 10—For State printing, as per account voucher 6. \$ 923 60

ACCOUNT OF SAMPSON AND HENRICKS.

Feb. 20—For articles for several committee rooms and for general use of Senate, orders attached, voucher 7. 175 65

ACCOUNT OF L. ALLEN.

Feb. 20—For digging and arching of grave of Hon. Amos Clark, deceased, voucher 8..... 40 00

J. S. MILLS,
Chairman Committee.

Your committee beg leave farther to report that they have had the following account under consideration, viz :

ACCOUNT OF J. W. HANNIG.

Jan. 20—For one walnut wash-stand.....\$ 40 00
One desk..... 85 00
One sofa..... 85 00
Six sofa-bottomed chairs..... 72 00
One marble-top center table..... 45 00
One sideboard..... 120 00
Four high comfortable chairs, at \$12.... 48 00
One walnut wardrobe 175 00
Two rugs..... 10 00
Vide voucher A..... \$680 00

Amounting to \$680 00, for the purpose of fitting up a Senate consulting room. Believing it to be far more extravagant than the Senate contemplated, and that a proper spirit of economy justifies, your committee respectfully recommend that the articles be returned to Mr. J. W. Hannig, and Senators desiring extra furniture supply it at their individual expense.

JOHN S. MILLS,
Chairman Committee.

Report read and laid over under the rules.

Report of Committee on Militia :

COMMITTEE ROOM,
AUSTIN, March 13, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: The majority of your Committee on Militia, to whom was

referred House bill No. 37, "An act to amend an act entitled 'an act to establish a State Police and provide for the regulation of the same,' approved July 1, 1870," have had the same under consideration, and I am instructed to report back the same and recommend that it do pass.

Respectfully,

R. P. TENDICK,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 13, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: The majority of your Committee on Militia, to whom was referred House bill No. 30, "An act to amend an act entitled 'an act to provide for the enrollment of the Militia, the organization and discipline of the State Guards, and for the public defense,'" have had the same under consideration, and I am instructed to report back the same, and recommend that it do pass.

Respectfully,

R. P. TENDICK,
Chairman.

Reports read and laid over under the rules.

Report of Committee on Federal Relations:

COMMITTEE ROOM,
AUSTIN, March 13, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Federal Relations, to whom was referred Senate joint resolution No. 23, "A joint resolution asking the Congress of the United States to pass an act, giving a pension to the widow and minor children of Captain William W. Montgomery," have carefully considered the same, and your committee have the honor to report the said Senate joint resolution No. 23 back, and respectfully, earnestly and unanimously recommend its passage.

THOMAS H. BAKER,
Chairman.

Report read, and laid over under the rules.

Report of Committee on Counties and County Boundaries:

COMMITTEE ROOM,
AUSTIN, March 14, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Counties and County Boundaries; to whom was referred House bill No. 397, "An act for the permanent

location of the county site of Hamilton county," have had the same under careful consideration and recommend that it do pass.

P. W. HALL.

Chairman.

Report read, and laid over under the rules.

On motion of Senator Mills the rules were suspended to consider the report of the Committee on Contingent Expenses.

Senator Pickett moved to refer the account of J. W. Hannig to a select committee of three, which motion was lost.

On motion of Senator Mills the first portion of the report of the Committee on Contingent Expenses was received, and the several accounts allowed.

Senator Saylor moved to refer the account of J. W. Hannig to the Committee on Retrenchment and Reform.

Senator Flanagan moved a rejection of the account, which motion was adopted.

Senator Douglass offered the following resolution, which was adopted:

Resolved, That the Secretary of the Senate be instructed to communicate with the House of Representatives and request the return to the Senate of Senate joint resolution No. 5, the same having passed the Senate without being read on three several days as required by the Constitution, and that said joint resolution be replaced on the file of the Senate as on the third reading.

Senator Baker offered the following resolution and moved its adoption:

WHEREAS, The late Hon. William M. Varnell was, at the time of his death, clerk of the Committee on Privileges and Elections, and also clerk of the Committee on Federal Relations; and

Whereas, Since his death a clerk of this Senate has performed the clerical duties of said committees; and

Whereas, Said committees require the services of a clerk for a short time only; and

Whereas, Said Senate clerk will continue to perform said duties on said committees, the per diem for said services to go to the credit of the late clerk, the Hon. William M. Varnell; therefore

SECTION 1. *Be it resolved by this Senate*, That the Secretary of the Senate be and is hereby authorized and requested to draw his warrants on the Comptroller for the per diem of said clerkship on said committees; and

SEC. 2. *Be it further resolved*, That the Secretary of the Senate is hereby authorized and requested to draw his warrants on the Comptroller for whatever amount of per diem may be due the late Hon. William M. Varnell previous to his death; and

SEC. 3. *Be it further resolved*, That the Thos. H. Baker, Senator from the Twenty-seventh Senatorial District, State of Texas, is hereby authorized to collect the warrants mentioned in sections one and two of this resolution, and apply the same to the payment of the funeral expenses of the deceased, and pay balance to his family, if any.

Resolution adopted.

By leave, Senator Pridgen submitted the following report of the select committee on memorial of the citizens of Rockport:

COMMITTEE ROOM,
AUSTIN, March 14, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Special Committee, to whom was referred the memorial of the citizens of Rockport, asking the Legislature to adopt a joint resolution, instructing our Senators and Representatives in the Congress of the United States, to procure the passage of an act, making the city of Rockport, on Aransas Bay, a port of entry, have duly considered the same, and I am instructed to report back to the Senate the accompanying joint resolution, and recommend its adoption.

B. J. PRIDGEN,
Chairman.

Senate joint resolution No. 27: "Joint resolution requesting our Senators and Representatives in the Congress of the United States to procure the passage of an act creating and establishing a port of entry of the city of Rockport, on Aransas Bay, in the county of Refugio, in this State."

Report and bill read first time.

On motion of Senator Pridgen, the rules were suspended, the report of the committee received, and Senate joint resolution No. 27 read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Pridgen the rules were further suspended, and Senate joint resolution No. 27 read third time and passed.

Message from the House by Chief Clerk, transmitting for signature enrolled House joint resolution No. 23, joint resolution, "asking the Congress of the United States to send a joint committee to the frontiers of Texas, to inquire into and report upon the number of murders and extent of the outrages committed in Texas during the last five years, and now being committed in Texas by bands of Indians living within the territory of the United States, and harbored within the Republic of Mexico."

Enrolled bill signed by the President, and returned to the House.

Also, informing the Senate the House had passed Senate bill No. 29, "An act to incorporate the Texas Cotton Spinning and Manufacturing Company, with the following amendments: amend by striking out section 6; amend section 21 by adding the following: "The property, real and personal, of said company shall be exempt from State and county taxes for the space of five years."

Also, Senate bill No. 111, "An act granting to John M. Beard the privilege of constructing and keeping a toll bridge across the Neches river, at the place known as Beard's bridge on said river."

Also, Senate bill No. 7, "An act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvements," with amendments.

Also, for concurrence, the following House bills:

. House bill No. 179, "An act to authorize C. R. Goodwin to erect a toll bridge over Chambers creek, where the road leading from Waxahachie to Dresden crosses the same." Read first time, and referred to Committee on Roads, Bridges and Ferries.

House bill No. 296, "An act to establish a ferry across the Neches river, at the old Williams ferry crossing, county of Cherokee." Read first time, and referred to Committee on Roads, Bridges and Ferries.

House bill No. 153, "An act to provide for the obtaining and transcribing of the several acts or charters founding the towns of Reynosa, Camargo, Mier and Guerrero in the Republic of Mexico, and of Laredo in Texas, and making an appropriation for the same." Read first time and referred to Committee on State Affairs.

House bill No. 214, "An act to incorporate the Washington county Banking and Insurance Company." Read first time and referred to the Committee on State Affairs.

House bill No. 272, "An act to incorporate the Houston Savings Institution." Read first time and referred to the Committee on State Affairs.

House bill No. 218, "An act to authorize the County Court of Titus county to issue interest-bearing bonds and to levy a tax to pay the same." Read first time and referred to Committee on Judiciary.

On motion of Senator Flanagan, the rules were suspended to consider Senate bill No. 7, "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement."

Senator Fountain moved that the Secretary be instructed to return Senate bill No. 7 to the House with the request that the House amendments thereto be revised and rearranged so as to be more fully understood by the Senate, which motion was adopted, and the Secretary returned Senate bill No. 7 to the House.

On motion of Senator Bowers, the rules were suspended to take from file House bill No. 304, "An act for the relief of F. H. Arlitt." Read first time.

On motion of Senator Bowers, the rules were further suspended and House bill No. 304 read second time.

Senator Bowers moved a suspension of the rules to place House bill No. 304 on a third reading, which motion was lost.

Senator Flanagan asked a leave of absence from April 1 to the end of the session.

On motion of Senator Pyle, the leave of absence asked for was granted.

The following House bills were taken from file, read first time and referred as follows:

To the Committee on State Affairs: House bill No. 358, "An act to authorize the board of aldermen of the city of Waco to lease a part of the ground on the public square of said city for certain purposes."

House bill No. 399, "An act to incorporate the town of Waxahachie, in Ellis county."

House bill No. 400, "An act to incorporate the town of Burnet, in Burnet county."

House bill No. 115, "An act to regulate the keeping and bearing of deadly weapons," read first time.

On motion of Senator Bell, the rules were suspended and House bill No. 115 was read a second time.

Senator Bowers moved to refer House bill No. 115 to the Committee on Judiciary.

Senator Parsons moved to refer House bill No. 115 to a Committee of the Whole, and that the Senate do now go into Committee of the Whole to consider House bill No. 115.

Yeas and nays called for and results as follows:

Yeas—Mr. President, Baker, Bell, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—19.

Nays—Bowers, Cole, Dillard, Dohoney, Evans, Latimer, Pickett, Shannon—8.

So the motion was adopted, and the Senate resolved itself into a Committee of the Whole.

IN SENATE.

Message from the House by Chief Clerk returning Senate bill No. 7, with the action of the House.

On motion, it was ordered that the Chief Clerk return to the Senate Senate bill No. 7, with the House amendments thereto, and respectfully inform the Senate, that, in the opinion of the House,

the Senate exceeded its prerogatives in returning to the House said bill with House amendments thereto, with the recommendation to the House that said bill and amendments be recommitted to a committee for the revision of said amendments.

On motion of Senator Ruby the rules were suspended to consider the message.

Message read.

Pending discussion, message from the House by Chief Clerk, informing the Senate the House had passed the following Senate bills:

Senate bill No. 6, "An act to incorporate Paris Commercial College, Paris, Texas."

Senate bill No. 17, "An act to incorporate the Galveston Seamen's Home."

Senate bill No. 19, "An act to incorporate the Citizens' Savings Bank, of Jefferson."

Senate joint resolution No. 25, joint resolution "respecting our postal service."

Senate joint resolution No. 24, "Instructing our Senators and requesting our Representatives in Congress to use their exertions to effect the removal of bands of Comanche and Kiowa Indians to a point at least one hundred and fifty miles from the civilized settlements or organized counties in Texas."

The Senate resolved itself into a Committee of the Whole.

IN SENATE.

Senator Fountain, Chairman of the Committee of the Whole, having under consideration House bill No. 115, reported progress, and asked leave to sit again at 10:30 o'clock A. M. to-morrow.

Report received and leave granted.

Senator Fountain moved that the Chairman of the Committee on Printing be instructed to have one hundred copies of House bill No. 115 printed, which motion was adopted.

On motion of Senator Pyle the Senate adjourned to 10 o'clock A. M. to-morrow.
